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09/669,234

09/25/2000

David Glanzman

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03/15/2007

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EXAMINER

AFTERGUT, JEFF H

ART UNIT

PAPER NUMBER

1733

| SHORTENED STATUTORY PERIOD OF RESPONSE | MAIL DATE | DELIVERY MODE |
|--|-----------|---------------|
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3 MONTHS

03/15/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

6.

**Office Action Summary**

Application No.

09/669,234

Applicant(s)

GLANZMAN, DAVID

Examiner

Jeff H. Aftergut

Art Unit

1733

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☐ Claim(s) \_\_\_\_ is/are pending in the application.  
     4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 2 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over McGhee et al in view of either one of Sourber or Werstlein and Staw.

McGhee suggested that it was known at the time the invention was made to repair a synthetic tent fabric by "taping seams and tears" in the fabric, see column 2, lines 1-10, claim 1. Clearly, it was known at the time the invention was made to provide a means for taping a seam in the repair of a synthetic tent fabric. The applicant is additionally advised that the fabric being so repaired would have desirably been waterproof as such was a necessity of a tent fabric. The reference was silent as to the manner in which the fabric portions were tape seamed together.

Sourber suggested that it was known at the time the invention was made to for a tape seam with a seaming device which was easily operated with a single hand which included a means for directing hot air upon the seaming tape as well as a roller means to press the heated tape against the surface where the seaming tape was to be applied. The reference taught that the device provided would have been useful as it was a time saving device which allowed one to utilize a single hand in the operation. The reference taught that the plastic strip 100 was heated with hot air exiting the end of the port at discharge end 98. After the strip 100 is heated with the hot air, the strip 100 was

Art Unit: 1733

pressed with roller 118 where the seaming tape 100 was used to attach two panels 122 together. It should be noted that as suggested by McGhee it was known to utilize a seaming tape to repair a fabric for a tent for example in order to render the same waterproof. The seaming tape of Sourber was clearly waterproof and as the device was capable of being used with a single hand, it would have been within the purview of the ordinary artisan to utilize the device of Sourber to seam the fabrics of McGhee. The reference to Werstlein also taught a welding (seaming) device which included a means for supplying a seaming plastic material 28 as well as a hot air nozzle for heating the seaming material 28 and a pressing roller and the reference suggested that the welding device was useful for forming a seam with a single hand, see column 1, lines 4-49. The reference taught a nozzle 20 for feeding the heated air to the seaming material 28 and a pressure roller 32 for pressing the seaming material against the surface during the welding operation. As expressed above with regard to Sourber, one viewing Werstlein would have understood that the system therein would have been suitable for application of the seaming material in McGhee. However, it should be noted that neither one of Sourber or Werstlein suggested that one skilled in the art would have disposed the fabric materials of McGhee upon a pad and utilized the pad to support the material during the seaming operation.

The reference to Staw suggested that one skilled in the art would have employed a pad support to support a fabric when forming welds for waterproofing the seams therein. The reference more specifically suggested that it was desirable to form a seam which was waterproof by disposing the article being treated (in this case a seam which

Art Unit: 1733

curved) upon a support which included a pad of an ironing board. The reference suggested that when making a waterproof seam it was known at the time the invention was made to apply heat and pressure to the material to heat seal the same while the material being seamed together was disposed on a padding material, see Figures 3 and 8 where the pad member is clearly depicted as part of the ironing board assembly. Additionally, one skilled in the art would have readily appreciated that an ironing board would have had a padding material disposed on its surface. It would have been obvious to one of ordinary skill in the art at the time the invention was made to employ a pad onto which the material to be made waterproof was disposed in order to allow for the formation of curved seams in the material being treated (whereby the material was adequately supported in the curved regions) as suggested by Staw in the process of making a seam in a tent to repair the same (and render the same waterproof) wherein the seam was formed with a seaming tape as suggested by McGhee and wherein one employed a typical seaming device for application of the seaming tape and application of pressure thereto which included systems having hot air blowers and pressing rollers as suggested by either one of Sourber or Werstlein.

With regard to claim 2, seaming a fabric with a vinyl sheet material is taken as conventional in the art. It was known to apply a vinyl tape material at the seam in the seaming of fabric materials and such materials are taken as conventional in the art. Regarding claim 5, note that McGhee et al suggested that the tent fabric would have included polyester materials.

3. Claims 2 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over the references as set forth above in paragraph 2 further taken with U.K. 2,071,564.

While the references as set forth above in paragraph 2 suggested that those skilled in the art would have applied a tape to join the fabrics together in a waterproof manner, the references do not expressly state that the material of the tape was a vinyl material. It was known as expressed above to form tape for seaming from a vinyl material. To further evidence the same, the reference to U.K. '564 suggested that those skilled in the art would have sealed fabrics in a waterproof manner with a vinyl tape material. It should be noted that the reference suggested, like applicant, that it was known to employ sewing which expanded to render the fabric waterproof, but instead chose to employ a sealing tape to seal the waterproof fabrics. As it would have been an art recognized useful material for sealing a seam in fabrics which were intended to be waterproof, it would have been obvious to one of ordinary skill in the art at the time the invention was made to employ the vinyl tapes of U.K. 2,071,564 in the process of waterproofing a seam in a fabric assembly.

4. Claims 3, 4, and 6-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over the references as set forth above in paragraph 3 further taken with Dettling.

The references as set forth above clearly suggested that one skilled in the art at the time the invention was made would have desired to repair a tent fabric seam with a seaming tape operation and the known seaming operation would have included the use of conventional seam materials (vinyl) which is heated with hot air and welded in the seam region. The references failed to teach that those skilled in the art would have

Art Unit: 1733

cleaned the fabric prior to the repairing operation in order to facilitate the formation of a weld in the area needed to be repaired. The reference to Dettling suggested that those skilled in the art at the time the invention was made would have employed a cleaning step for a fabric material in order to repair the same wherein the fabric material was used in a tent assembly. More specifically, applicant is referred to column 13, lines 36-49. The cleaning operation would have included the application of a solvent cleaning substance onto the fabric material, see column 14, lines 9-15 and note that cleaning a fabric with a thinner was known per se as a solvent useful for removal of dirt and debris from the fabric. As it would have suitably prepared the surface of the tent fabric material for repair in a bonding operation, it would have been obvious to one of ordinary skill in the art at the time the invention was made to employ a cleaning step prior to bonding the tape to the fabric of the tent in need of repair as suggested by Dettling in the operation of repairing a tent fabric as set forth above in paragraph 3.

With regard to claims 3, 4, 6, 8 and 13, the reference to Dettling suggested that those skilled in the art would have provided a cleaning step in the process and the use of a thinner (a solvent cleaning compound) was not only suggested by Dettling but also would have been understood to have been conventional in the art. Regarding claim 7, the reference to Staw suggested that one skilled in the art would have supported the fabric during the processing therein. Regarding claims 9 and 14-16, the reference to McGhee et al suggested that one skilled in the art would have employed the specified fabric materials and additionally suggested that the finished assembly would have been a tent. Note that a tarp and/or fabric weather barrier are within the scope of a tent

Art Unit: 1733

material. Regarding claim 10, note that the references suggested the use of automatic hot air welding devices and such means were well known and conventional in the art. Regarding claim 11, one skilled in the art would have been expected to center the tape over the seam in the welding operation. Regarding claim 12, note that the artisan would have readily appreciated that the operation would have resulted in a water impervious assembly.

### ***Specification***

5. The disclosure is objected to because of the following informalities: On page 1, line 14, the word "and" appears which appears to be misplaced. It is suggested that the word "and" be deleted. On page 6, line 15, the applicant refers to a welder "WEG 18PR" model from Wegener and on line 21 of the same page the applicant refers to "the WEB 18PR model". It is believed that "WEB" should be changed to "WEG" on line 21.

Appropriate correction is required.

### ***Response to Arguments***

6. Applicant's arguments with respect to claims 1-16 have been considered but are moot in view of the new ground(s) of rejection.

With regard to the newly presented claims, the applicant is advised that the prior art suggested that one skilled in the art would have employed a vinyl tape material to form the seal in the tent material (see UK '564) and additionally clearly suggested that one skilled in the art of repairing a tent material would have desired to clean the surfaces of the fabric material prior to initiating the repair of the assembly, see the



Art Unit: 1733

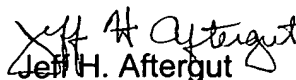
reference to Dettling. The applicant is advised that the reference to McGhee clearly expressed that one skilled in the art would have repaired a tent fabric material at the seams therein with a tape. The manner in which this is done would have included the use of conventional hot air tape applicators such as those identified above.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeff H. Aftergut whose telephone number is 571-272-1212. The examiner can normally be reached on Monday-Friday 7:15-345 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Crispino can be reached on 571-272-1226. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Jeff H. Aftergut  
Primary Examiner  
Art Unit 1733

Application/Control Number: 09/669,234  
Art Unit: 1733

Page 9

JHA  
March 9, 2007